

THE CALCUTTA JOURNAL

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General Summary of News.

[No. 195]

ASIA.

Our intelligence from Bombay, Ceylon, and Madras, furnishes little of Indian intelligence beyond the Orders of Government, Nautical Notices, and additions to our Obituary, each of which will be found fully detailed under their respective heads.

From the interior we have received a few communications, since our last; and local topics, which we find still pressing their claims upon our columns, with increasing interest, extend to such length as to interrupt for a moment our attention to European affairs.

Bombay.—From the Bombay Courier of the 2d September, just received, in addition to other details, we find the following accident recorded:—

During the early part of the last week the weather was more boisterous and squally than is usual at this season of the year; and we are sorry to have to mention the occurrence of a most distressing accident. On Monday the 25th August, the ship *Helen* was working out to sea, the bunder boat which she was towing to windward, and in which were twelve men, was upset by the stroke of a sea. Every effort was made by the *Helen* to save the boat's crew; her gig was lowered down, and the first officer, Mr. Gover, with some lascars endeavoured, at the imminent hazard of their own lives, to pick up the drowning people; they only succeeded in rescuing one man. Another clung to the ship and was saved. Two others got hold of the upset boat, which had been cut adrift upon the accident occurring, and one of them was taken off her the next morning by the jolly boat of a ship at anchor in the middle ground, past which the upset boat was driving. He was nearly exhausted, but by immediate medical assistance was recovered; his companion had been washed off during the night, and with seven other poor fellows met a watery grave. The *Helen*, in consequence of this sad accident was obliged to return to her anchorage in the middle ground.

Ceylon.—From Ceylon we gather the following paragraphs, in addition to the Official Orders of the Government, given in another page:—

Major General Sir Edward Barnes left Colombo early on Wednesday morning, the 1st of Sept, under the salute due to his rank, on a tour through the Interior Provinces. Sir Edward, we understand, proceeds by Ratnapoora to Badulla, and from thence returns to Kandy. The Major General is accompanied by Lieutenant Colonel Hardy, Deputy Quarter Master General, and Captain Dawson, Royal Engineers.

His Excellency the Governor, Lady Brownrigg and Suite, set off on the evening of the 1st of Sept. for Kandy. His Excellency proposes, we are informed, to proceed from thence to Korrnegalle in the seven Korles, and after making the tour of that province, to return through Kandy to the seat of Government.

Madras.—The most remarkable piece of intelligence from Madras is that of the death of the Archdeacon, the Rev. J. Mousley, D. D. which will be found in our Obituary.

The Drawing of the Madras Lottery commenced on the 1st of September, when the following Prizes above 250 Rupees were drawn.

No. 3354, a Prize of 40,000 Rupees; No. 760, a Prize of 20,000 Rupees; Nos. 3513, 4133, 4342, 4690, 5540, 3253, 3642, Prizes of 500 Rs. each.

Nagpore.—By the most recent accounts from Nagpore, we are happy to learn that the promising appearance of the crop of Jawarry, has already had the beneficial effect of lessening the afflicting pressure of the famine, under which that part of the country has for some time groaned. The people are returning to their villages, and the crowds which had been attracted to the capital by the relief so humanely afforded by the local Government, had begun to disperse. If the weather be favorable, the Jawarry harvest may commence in about 6 weeks hence. From this grain, the lower classes in that part of the Dukkin mostly derive their subsistence.

Hydrabad.—The following is an Extract of a Letter from Hyderabad, dated the 2d Instant, and published in the Hurkaru of yesterday:

"The rains have been unusually heavy, and have destroyed the crops of small grain, which form the principle food of the lower classes. This is likely to occasion considerable distress, and report speaks of a great scarcity prevailing on the N. E. frontier of the Nizam's possessions. A celebrated rebel Zemindar in that quarter, Kona Rao, who had long set the power of the Nizam's government at defiance, has lately come in on the faith of British honor, and the whole country now acknowledges the authority of the Prince. Perhaps no war that was ever undertaken has so fully accomplished the only legitimate object of war, general peace, as the late glorious campaign of Lord Hastings. Its operation has not been confined to hundreds of thousands, but it has imparted blessings to many millions. The Northern divisions of this country, in particular, has felt its benefit, and the people are very grateful, which they have ample reason to be, in their deliverance from Pindaree depredation. When I speak of the people, I mean the great mass of the population—the whole body of agriculturists, traders, and mechanics. There is another class in this coun-

try, and that in no inconsiderable number, the class of military adventurers, which consists of foreigners, and the idle and profligate, who delight only in rapine and disorder. They are of course dissatisfied, but their dissatisfaction is the best criterion of a country's well being."

Chunar.—Letters from Chunar, dated the 11th September, inform us that the 11th Division of the 11th Dragoons had arrived at this station, all well. The rains had been very violent in the parts of the country through which they have passed, for the last fortnight, and the crops of grain were beginning to recover a little, but many of them had failed altogether in certain districts, and the price of the necessities of life had risen in proportion. At Benares, however, there was a good prospect of a tolerable harvest in the neighbourhood, altho' it would be a late one, and the dread of a famine which was announced some time ago had almost entirely subsided.

Chitragong.—We have a Letter from this station, dated September 12th, which says, that on the preceding day, the 11th, at 20 minutes past 2 o'clock, A. M. there was a shock of an Earthquake felt there, which was more severe, and of longer duration, than any ever remembered by persons residing there; and at half past 11 on the following night, two separate shocks were felt, with an interval of about a minute between each.

On the occasion of the first severe shock the weather was calm and sultry, but during the two following ones there was a fine fresh breeze and the temperature moderately cool.

Mizapore.—The following is an extract of a letter from Mizapore, dated the 11th September:—The apprehensions formerly entertained of dearth in consequence of drought are now excited from the prevalence of too much wet weather, at least in so far as relates to the produce of the Kurruf or latter harvest. —Rice, —Indian corn, Bajra, and Jowarry. Since the 16th ultimo, scarcely a day has passed in which more or less rain has not fallen here, at times, (particularly this month) it has been incessant for 24 hours;—the importations of grain from the country are impeded, and the prices of all kinds which had fallen when these continued rains commenced, have now again risen. Wheat is 12 seers per Rupee—Grain 13 seers—Barley 15 seers.—Doll 12 seers.—Rice of the best kind 10 seers.—The River in the beginning of the month fell about 6 feet, it has again within the past 4 days risen to its former height. The air has become comparatively cool, the Thermometer standing at 80° with little variation.

To give you any account of Commercial affairs here, might be superfluous: there are about 35,000 bales of Cotton in the market, sales very dull, little employment for capital, except in cloths; some failures among the native Bankers lately, have occasioned much distrust and confusion in the market.

Theatricals.—We did not intend offering any opinions of our own on the performances of Friday Evening last, at Chowringhee, for reasons unnecessary here to be detailed: but as some of the audience appear to have been delighted with the choice of the Pieces brought forward for the entertainment of the audience, and to have been quite as well satisfied with the performance of them, as with their selection, we should be doing injustice to their feelings to withhold their tribute of applause from those for whom it was intended.

It will be seen, from the style and manner of the communications sent to us on this occasion, to which class of society these Representations are most suited; and if others maintain a dignified silence on the occasion, it will not be difficult to interpret it, contrary to the ordinary rule.

When *The Merchant of Venice*, *The West Indian* and *A New Way to Pay Old Debts*, were recently brought forward, we heard, in every circle, of the delight afforded by the talents of the Amateurs who distinguished themselves on these occasions; and we had several able and well written critiques handed to us by men of education, of taste, and feeling, who had understandings to comprehend, and souls to feel the beauties of these higher efforts of the Drama.

When the three trifling Farces of *The King and the Duke*, *The Blue Devils*, and *Is he Jealous?* were repeated in one evening, the only expression of public feeling that we remember to have heard, was a regret that an audience, composed of so much elegance, refinement, and good sense, should, after the exertion which it really requires to assemble together, be tired to yawning, by pieces suited rather to the amusement of children in holiday vacations than to the minds of at least full grown spectators; and a hope that a period would arrive, when the repeated and unequivocal symptoms of attention and pleasure at the representation of standard Plays, and of weariness and dissatisfaction at the constant repetition of low Farces, would at length awaken those who conceive so poorly of the public taste, from the error into which they seem to have fallen in their estimate of it.

This hope, however, has been in a great measure damped by the representation of Friday Evening, in the minds of some at least, (for we speak from the experience of the feeling that exists among the circle of our own

acquaintance) notwithstanding the eulogium that others would bestow; and we know that among those whose approbation and whose patronage are of the greatest worth, the cry is still,

"Oh! for a fast memorial to the Age!
"One classic Drama to reform the Stage!"

We have already so often expressed our own sentiments on this subject, that it would be in vain to repeat them further than we have done here, in recording the feelings of those with whom our sentiments are in perfect unison; but in order to shew, as we before said, to which class of auditors these Representations are likely to be tiresome, and to which they are calculated to afford delight, we cannot do better than present to our readers the only two Letters that have been transmitted to us on the subject, premising that we give them *verbatim et literatim*, as a monument of the taste of those on whom the selection depends, and of the talents of those who are so proud and forward to eulogize them.

To the Editor of the Calcutta Journal.

Sir,

I shall be extremely obliged to you to insert the following in your excellent Paper, so much esteemed of in Calcutta.

Your humble Servant,

THEATRICUS.

Calcutta, Sept. 19, 1819.

On Friday night was represented at the Chouringhee Theatre, the Farce of the Lying Valet, and the Musical entertainment of Love Laughs at Locksmiths, to a numerous and respectable Audience.

In the former piece, Sharp the Valet was personated by an old favourite, his actions and gestures which he gave to this character, was certainly an addition to his unusually acting, and as such he was applauded.

Gayless was personated by our old friend Diddler, and although it was not in his line of acting, he certainly gave every satisfaction to the part he undertook.

Miss Williams's Melinda was most excellent, and we need not extend our eulogiums on this excellent actress, than what she has always merited by the loud approbation of the audience, we would wish much to see this Lady in Tragedies, were she may exert her real talents, as in the characters of Juliet, Desdemona, Belshazzar, &c. &c.

Mrs. Cooke's Kitty Pry, was just a character suited to her, and accordingly did justice to it.

The rest of the characters, though frivolous, were ably supported.

The next was the Musical piece of Love Laughs at Locksmiths, and represented several times on the Chouringhee Boards, with as equal success as ever.

We congratulate on the arrival of our long expected friend Sir Philip Blandford from Europe, and trust his stay in India may continue to illumine the Voluptuous circle; Vigil was personated by this Gentleman, whose success now, as well as on former occasions, has always been experienced by the Lovers of the Drama, both in Tragedies and Comedies.

Captain Beldare was in the hands of John Lump, he gave full scope to the arduous task he undertook by the reiterated plaudits of the Audience, this Gentleman (our Elliston in India) possesses such powers of acting, that when he undertakes to represent the great Macbeth, Bassanio or Farmer Ashfield, one would hardly suppose that three such Essential qualities can exist in any one persons.

We were extremely happy to see our Sharp made his appearance again in his favourite Totterton, this character is one of his best and Chastest we have ever seen, his extreme old age, his extreme care he takes in the concern of his Master in securing Lydia from that hellish officer is morality dignified to comment upon this free-eminent actor it would we fancy require a quarto to express our Panygeric's, he certainly stands foremost of the Comic side of the Drama.

Risk appeared in his old character, and gave every satisfaction as formerly, his song was encored with great raptures, we would recommend the managers to allow this Gentleman to exercise his talents a little more and not confine him to take those Rejected parts where others fail in filling up.

Lydia was as usual in good humour, and performed her part with the same facility as she always does.

The whole of the Songs and Duets were well sung, and the curtains drop by the great approbation of the Audience.

[There is no Signature at the end of this Critique, which it seems was intended to have been offered to us as an Editorial article. WE prefer, however, its remaining in its original form as the language of THEATRICUS himself, without even questioning the truth of his ambiguous close regarding the dropping of the curtain.]

To the Editor of the Calcutta Journal.

Sir

As the Paper of Public, (a distinguished character, your widely circulated Daily Journal has attained to,) is the receptacle of sublime, as well as ordinary communications, permit me, thro' its medium, to congratulate the Lovers of Drama, upon the happy occasion of the return of one of its Musical Amateurs, who was received amidst thunders of clapping, and hailed with smiles on every countenance present, his re-appearance in the

Chouringhee Theatre, on Friday evening last, the 17th, altho' he sustained the character of Vigil, allotted to him, in the *Love Laughs at Locksmiths* to the life, yet the Piece itself did not afford full scope to a display of his vocal powers, as I have been fortunate enough to witness on former occasions; particularly when he last assumed the character of *Captain Beaupard*, in the *Review*, or *Wags of Windsor*, he chaunted the alluring tune of *Is there a heart that never Loved* with that superior vocal power as did him credit, and I may be led to presume, becoming even to the Drury Lane and Covent Garden Boards; in the repetition of the same, when anchored by the respectable audience in the box, more than the pit, he sang it with redoubled energy, and surpassed all anticipation; would to God, if the Managers were to pitch upon this piece (if they have not already fixed upon any other) for the next performance, I am persuaded in my opinion, the audience will be highly pleased at a season like this, when vocal and musical associations are just on foot, and refined taste is prevalent; I can, at all event, with safety say, that it will insure a crowded house, as I have observed a number of my friends (and no doubt, the public that has already witnessed it,) who ardently express hopes of a sentimental, or love song, from this Gentleman of refined taste and conception: I beg, Mr. Editor, you'll excuse the freedom I have taken in suggesting this, altho' I am sensible, that it totally lies with the managers, the subject I have taken the liberty to expatiate. I must not omit to mention here, that every individual character in this Piece, were admirably depicted, especially Caleb Quotum, as usual, extracted the very pith and essence of his part, and so forth.

Returning to the performance on Friday evening, I do not recollect having witnessed a play so happily sustained throughout, although a constant attendant at the Theatre; the pieces were well cast, and the characters in best hand: Timothy Sharp, the *Lying Valet*, was quite at home, his dexterity and rising the wind, in the first piece, and *Totterton* in the second, were respectively fulfilled, beyond plaudit; many could hardly be led to think it was one and the same favorite Support of the Theatre. Mr. Gayless' conscientious feelings, and changes of countenance, bordering so naturally on the attainments of a honest Briton, although in the abyss of misery, was inimitable. The dramatic Society justly expressed their obligations to these pillars of its institution, in the last Meeting. We were happy to observe such fund of sympathetic acting in Miss Williams, who aspires to more sublime acting within her scope, her expression of the character of a young and blooming widow ripe with Love, energy and courage, were fully displayed with the addition of a generous heart: it becomes her, a better dandy disguise, than what was observed in Mrs. Cooke, in the last operette, I would hear wish to impart a suggestion for modesty sake, that if these sexual disguises were under the cloak of a hunting frock, Sur-tout, or great Coat, it would afford the female performers a better opportunity of displaying their part in the play, without blush: at the conversion of their habiliement. *Kitty* her maid, was very lively, and active to the interest of her mistress, who was totally blind with Love. The concluding part of this piece was rather hurried, for Sir William's letter was omitted to be read and the cook had no time to discover himself.

In the after piece, the personification of *Captain Beldare* by a favorite amateur, is most distinguished; this gentleman's exertions, considerably heightens the value of the character he assumes, whatever it may be; his song was very expressive of his affection, and the disguise of a Jew, and Grenadier-gait, were quite perfect. Risk his confidant displayed such zeal and humour in the cause of his employer, that he made himself interesting, his comic song was very entertaining; but I am sorry for the uproar in the pit. Lydia was charming, her repartee with Vigil was very expert. The rest of the characters were well sustained in both of the pieces, and I could evidently remark the expression of pleasure, in the face of all leaving the House.

I am, Sir, your most obedient servant,

September 18, 1819.

A LOVER OF DRAMA.

Schools in India.

The following notice of the progress of the Schools under the direction of the Church Missionary Society, is from the Second Report of the Calcutta Committee, in an extract of a Letter, dated Bancorah, the 5th March, 1819.

"It was very gratifying to hear a large company of Bengalee boys explain the government of England, speak of the two houses of Parliament, the army, and navy, and universities, and chief cities of the United Kingdom; and I can truly add, that I have never seen more sharpness, and zeal for knowledge, and emulation, in the matter of taking places, in any English Schools.

The most gratifying part of the examination, however, was that which consisted in the reading and questioning from the fable books, which is the first in the enclosed list. The questions are taken verbatim from the morale, printed at the ends of the tables. In giving an answer, the boy was expected to explain the example, by describing how it arose from the fable. Here the lad's skill was manifested. And it was very evident, that no plan of teaching is so amusing and instructive as the method of fables. The boy is at once entertained and edified. He is delighted to discover truth, and describe truth, in connection with what is so familiar and lively; his wits are sharpened, his language improved, and maxims of moral conduct are seized with eagerness. Now all this must be very useful: it must greatly open the understandings of youth, and do that sort of good which it is a part of the School Book Society's plan to confer on the natives of India."

Sect of Indian Deists.

The following account of the *Sauds*, a religious Sect in the Upper Provinces, is from the Second Report of the Calcutta Committee of the Church Missionary Society.

1. "In March 1816, I went with two other gentlemen from Fetteh-gurh, on the invitation of the principal persons of the *Saud* sect, to witness an assemblage of them, for the purpose of religious worship, in the city of Furrukhabad, the general meeting of the sect being that year in that city.

2. The assembly took place within the Court yard (*Daulan*) of a large house. The number of men, women, and children, was considerable: we were received with great attention, and chairs were placed for us in front of the *Deurhee* or hall. After some time, when the place was quite full of people, the worship commenced. It consisted solely in the chanting of a hymn, this being the only mode of public worship used by the *Sauds*.

3. At subsequent periods, I made particular enquiries relative to the religious opinions and practices of this sect, and was frequently visited by Bhuwanee Dos, the principal person of the sect, in the city of Furrukhabad.

4. The following is the substance of the account given by Bhuwanee Dos, of the origin of his sect:

5. About the Sumbat year 1600, or 177 years ago, a person named Beerbhah, inhabitant of Beejbasur near Narnoul, in the province of Dehli, received a miraculous communication from Ooda Dos, teaching him the particulars of the religion now professed by the *Sauds*—Ooda Dos, at the same time gave to Beerbhah, marks by which he might know him on his re-appearance: 1st. That whatever he foretold should happen. 2d. That no shadow should be cast from his figure. 3d. That he would tell him his thoughts. 4th. That he would be suspended between heaven and earth. 6th. That he would bring the dead to life.

6. Bhuwanee Dos presented me with a copy of the *Pot,hee*, or religious book of the *Sauds*, written in a kind of verse, in the *Thenth* Hindoe dialect, and he fully explained to me the leading points of their religion.

7. The *Sauds* utterly reject and abhor all kinds of idolatry, and the Ganges is considered by them with no greater veneration than by Christians, although the converts are made chiefly, if not entirely from among the Hindoos, whom they resemble in outward appearance. Their name for God is *Sutgur*; and *Saud*, the appellation of the sect, means, servant of God. They are pure deists, and their form of worship is most simple, as I have already stated.

8. The *Sauds* resemble the Quakers, in their customs, in a remarkable degree.

9. Ornaments and gay apparel of every kind are strictly prohibited; their dress is always white.

10. They never make any obeisance or salutation.

11. They will not take an oath, and they are exempted in the Court of Justice; their asseveration, as that of the Quakers, being considered equivalent.

12. The *Sauds* profess to abstain from all luxuries, such as tobacco, paun, opium, and wine.—They never have nauches or dancing.

13. All attack on man or beast is forbidden but in self defence, resistance is allowable.

14. Industry is strongly enjoined. The *Sauds*, like the Quakers, take great care of their poor and infirm people. To receive assistance out of the punt or tribe, would be reckoned disgraceful, and render the offender liable to excommunication.

15. All parade of worship is forbidden.—Secret prayer is commended; alms should be unostentatious; they are not to be done that they should be seen of men.

16. The due regulation of the tongue is a principal duty.

17. The chief seats of the *Saud* sect, are Dehli, Agra, Jypoor, and Furrukhabad, but there are several of the sect scattered over the country. An annual meeting takes place at one or other of the cities above mentioned, at which the concerns of the sect are settled.

18. The Magistrate of Furrukhabad informed me, that he had found the *Sauds*, an orderly and well conducted people; they are chiefly engaged in trade.

19. Bhuwanee Dos was anxious to become acquainted with the Christian religion, and I gave him some copies of the new Testament, in Persian and Hindoostanee, which he said he had read and shewn to his people, and much approved. I had no copy of the Old Testament in any language which he understood well, but as he expressed a strong desire to know the account of the creation as given in it, I explained it to him from an Arabic version, of which he knew a little. I promised to procure him a Persian or Hindoostanee Old Testament, if possible.

20. I am of opinion, that the *Sauds* are a very interesting people, and that an intelligent and zealous Missionary, would find great facility in communicating with them.

Note of Punishment.

To the Editor of the Calcutta Journal.

Sir,

On the subject of the *Second Military Query*, which has lately been started in your Journal, I have met with a very full and able Essay, which so impartially discusses the law, upon that point, and the reasons which support it, that you cannot perhaps better answer the wishes of your Military Enquirers than by republishing it in your Journal; though it is now some years since it first appeared, I found it among a large collection of *Elegant Extracts*, which I have occasionally made from the Newspapers, with a pair of scissors, and I am glad to find so favourable an opportunity of illustrating the utility of preserving these fugitive pieces.

I am, Sir, Your obedient Servant.

Chowringhee, Sept. 17, 1819.

SCRAP.

On the manner of Voting at Courts Martial.

The question is, Whether, after a prisoner has been voted guilty of the crime charged by the majority of a Court Martial, the degree of punishment shall be determined by the whole Court, or by those members only who had voted him guilty?

Taken by itself, it is of course absurd to suppose, that a Member should award any punishment to a prisoner whom he believed to be innocent; but under the circumstances stated in the question, the *reductio ad absurdum* will be strictly applicable if such a member be debarred from voting on the question of punishment, as well as in every other stage of the proceedings. In adjudging punishment, the acquitting minority are actuated by a desire, not to inflict even a slight degree of punishment on the prisoner, but to save him from a greater; and in so doing, whatever be the result, they as conscientiously discharge their duty, as when in the first instance they voted the prisoner not guilty.

This is acting in conformity to two established prudential maxims, that among necessary evils we should choose the least, and accept of a less benefit when we cannot obtain a greater; and as these rules will naturally direct the conduct of every man in providing for his own interests, so he ought to consider them of strict moral obligation when charged with the interest of others. Every member of a Court Martial is bound to endeavour to obtain for the prisoner such terms as he thinks him fairly entitled to; those who think him innocent, as well as those who think him more or less guilty, are equally bound to endeavour, by their respective votes, to procure the adjudgment of acquittal, or of that particular degree of censure which they think the case requires, and which shall be consistent with a due regard to a plurality of suffrages, not of a part, but of the whole court. It would therefore be a dereliction of a solemn duty, on the part of the absolving member, if they were to decline doing all they could for the prisoner, because they could not do all they wished, and withdrawing their influence when it might be of the greatest importance, abandon him, with all his imperfections on his head, to the mercy of a part of the Court; but if such conduct on their part would be unjust, a rule by whatever authority established, which should compel them so to act, must be equally subversive of justice. A Court regulating its proceeding by such a rule, would be viciously constituted: it would have within itself a principle tending to counteract those purposes for which it was appointed.

What might be the consequence if it were the practice that as soon as the minority of a Court had pronounced a prisoner innocent, they should be excluded from any share in the rest of the proceedings?—A Court, from consisting of fifteen, might be reduced to eight members, and if, of this latter number, five vote for cashiering, and three for loss of rank, the result will be that the prisoner is condemned to the severest penalty, short of death contrary to the opinions of his two thirds of his judges, seven of whom believed him not guilty. That article in the Mutiny Act, which directs that two thirds of the Court must concur in a sentence of death, is conclusive in point of law on this subject, since it plainly implies, that in all cases of minor delinquency, the punishment may be adjudged by a bare majority of the whole Court, and not by a majority of a sub-division of it.

Such appears to be the irrefragable conclusion that we are immediately led to, in considering the proposed question, which indeed, one would not expect to be susceptible of much discussion, if it had not happened that, of all the writers on the principles and practice of Courts Martial, I believe only one, Mr. Fraser Tytler, has come to the same decision. Mr. Adye, and after him, Mr. Sullivan, neglecting every other consideration, and narrowing their field of view so much as to contemplate nothing but the abstract incongruity of requiring a member who had acquitted a prisoner to award punishment, absolutely direct that the votes of absolving members shall not be taken on the question of punishment, but that it shall be determined by a majority of the remaining members.

It was to be expected that Mr. MacArthur, in the last edition of his book, would render the authorities equal in point of numbers; instead of which, he assumes an extraordinary and untenable position between them. He adopts and transcribes the opinion of Sir Charles Morgan, Judge Advocate General in 1795, as follows:—*"At Military Courts Martial, discussions have frequently taken place, when under the circumstance of collecting the opinions of the members, respecting the guilt of the prisoner, and that his*

viction should be determined by a bare majority of votes, whether in such case the minority are to be directed by the majority in voting for the punishment to be awarded, or if they can refuse to vote under the plea of not having found the prisoner guilty in the first instance?" (such a statement of the question is ominous.) "Although, strictly speaking, such members of a Court Martial, whose votes have absolved the prisoner of the crimes charged, ought not to be called to award any punishment, which they cannot consistent with reason or justice do. *The question of punishment addresses itself to those members exclusively who have found the prisoner guilty.*"

So far he is with Adye; but in conclusion he swings round to the opinion of Tytler! "But it may, perhaps, not be amiss to intimate, that if it should happen that the officers who compose the majority of the Court, and who have concurred in the conviction of the prisoner, should differ in sentiment with respect to the degree of punishment," (did he not say that it belonged exclusively to this part of the Court, and of course to a majority of it, to settle that question; and that the others could not interfere consistently with reason or justice? well,) "in such case the prisoner ought to have the benefit of a presumptive opinion of those members who were into the scale with the votes of those who incline to the lesser punishment, for otherwise the prisoner would be put in a worse situation, than if those members had deemed him in some degree culpable. This is consonant to equity, and comfortable to the practice which has invariably prevailed."

This mixture of two irreconcilable opinions, "*tam ficti pravique tenax, quam veritas vera*," may remind us of the advice that Lord Mansfield gave to somebody, who had been appointed Governor of a Colony,—that he should decide boldly, but never give the reasons of his decision, because it was more likely that he should decide rightly, than reason logically: so, if the author, or transcriber, of the above opinion, had contented himself with stating "the practice which had invariably prevailed," he would not have had to answer for so much inconsistency in so small a compass. 1. We are directly at issue on the propriety of the absolving members voting on the punishment, under the circumstances expressed in the original question: Mr. McArthur says, that they could not, in justice, give their votes, and I have endeavoured to shew that they could not, in justice, withhold them. 2. If it rests exclusively with the condemning Members to fix the punishment, why is not the decision of their majority valid, according to the direction of Adye? and how can it be set aside by the admission of the votes, which reason and justice required to be excluded? 3. If the absolving members cannot, in justice, give their votes, how can they in justice be received by the minority of the condemning members, (with the concurrence, too, of the opponent majority,) and put into the scale of a balance which had been appropriated exclusively to receive the votes of the condemning members, so as to make the scale of the minority of this latter sub-division preponderate? for whether they be given by the one party, or taken, as supposed to be given, by the other, the effect is exactly the same. But justice requires that they shall not be given, and that they shall be taken; that they shall be excluded from the balance, and that they shall be put into it. 4. Having unavoidably come to the absurdity which Adye's rule leads to, namely, that a prisoner might fare worse for the favourable opinion of some of his judges; why did not Mr. McArthur see that the process which led to it was erroneous, and must be absolutely rejected? Here there are only two courses to be pursued, and one of them leads to a manifest absurdity, therefore, the other is the right one:—but Mr. MacArthur neither follows Tytler in the right road, nor Adye in the wrong one, but sets out on the latter, as being the only warranted in theory; and soon leaves it from the former, as being the safest in practice.

In all doubtful cases it is desirable to recur to the laws of England, or of other countries, for analogous maxims, rules, and practices; and I believe, it may be affirmed, that no where can there be found any thing to countenance the opinion, that "the question of punishment addresses itself to those members exclusively, who have found the prisoner guilty." If there be any supporter of this, and of Mr. Adye's opinion, let him produce one precedent in support of it. If the Courts of Justice at Rome and Athens had resembled Courts Martial, in judging of the law as well as of the fact, it is clear, that they could not have followed the method we object to, because, from their manner of voting by ballot, it would have been impossible for them to know what particular members composed the majority, and what the minority, and therefore that, on the second question as on the first, the whole body of the Court must necessarily have thrown their suffrages into the one or the other scale of the balance. The intention of the ballot having been to conceal the votes of individual members, and thereby to render them independent, those who had concurred in the condemnation of a prisoner, could not be distinguished from the rest, and consequently the question of punishment could not have been referred exclusively to their determination. The judges in the Prætor's Court at Rome judged only of the fact: but at Athens after the guilt of the prisoner had been ascertained, fresh pleadings were held before taking the votes on the punishment, and it is said that, at the trial of Socrates, eighty of the judges who had acquitted him, wantonly changed their minds, (offended by the sublime indifference respecting his fate manifested by the prisoner), and concurred in the judgement of death. The French regicide convention did not even resolve that those who should absolve the king, should be precluded from voting on the punishment; and the sentence of death was carried by a small majority of the whole assembly. No difficulty has ever occurred on this subject at Naval Courts Martial, as Mr. McArthur says, it is their usage "in all cases to settle the determination of the Court by the majority of voices." † The verdict of a jury

is nominally unanimous, but there also can be no doubt that the minority submit to the majority, when the opinions are divided, and that in fixing the quantum of damages they have regard to the voices of those who had not concurred in the conviction, as well as of those who had. In cases of impeachment every question is decided by the votes of the whole house of Lords, and the House of Commons proceeds in the same manner, when acting judicially in cases of libels and contempts.

I hope I have said enough to justify the confidence I feel in the conclusion I have adopted; and at the same time, that as Adye and Sullivan are against me, and as Mr. McArthur assures us that "*at Military Courts Martial, discussions have frequently taken place on the subject*," I was justified in considering it to be a debatable question.

H. W.

Note of Punishment.

To the Editor of the Calcutta Journal.

SIR,

I had great pleasure in seeing this morning a Letter from CENTURION, regarding the Query I proposed to your Military readers; but I have considerable doubts as to the soundness of the principles upon which he founds his opinion. His commendable love of mercy appears to me to carry him beyond the bounds of both law and justice; because, when he votes for punishing a prisoner (no matter from what motives) whom he has previously acquitted, I conceive that he acts in direct opposition to his oath, as a Member of a Court Martial, which binds him to act according to law, and where that seems deficient, to the best of his judgment, &c.

TYTLER certainly professes to build his system of Martial Law on, or more properly, to prove that Military Law is agreeably to the Civil; but this is a case in which the latter can afford us no assistance whatever; and we have therefore nothing more to guide us than the opinions of those Writers on Martial Law, to whom we have been accustomed to look up as the most correct authorities. Where they differ, therefore, we must call in our own judgments to assist us, and those being just as much at variance, it follows that our practice cannot be correct in every instance, when it differs so materially, as I have reason to think it does.

TYTLER to maintain the justness of his opinion, says, "Can it be supposed that if those Officers knew that this (being debarred from voting in the question of punishment) was to be the consequence of their vote of mercy, they would not rather have adjudged the Prisoner guilty, and thereby have reserved to themselves the power of mitigating his punishment?" But let me ask, could any Member pronounce a Prisoner to be guilty, when he knew him to be innocent (no matter with what view) without perjurying himself?

Your Correspondent CENTURION forms his opinion by that of TYTLER, and on the presumption that this latter is agreeably to the principles of our Civil Law; but, as I before observed, in the case now under discussion, that Law can afford us no assistance; because the Guilt or Innocence of the accused is not determined (as with us) by a majority of his Jury, nor in criminal cases, has the Jury any thing to say in awarding punishment. Hence it is that all our Writers on Martial Law, who have formed an opinion at all, on the above point, have done so agreeably to their own ideas of Justice, which differ so materially (as I have shown in my remark upon those of TYTLER, ADYE, and SULLIVAN) that they serve rather to perplex than assist us in the formation of our own.

In the present undecided state of the case, the best guide which a Member of a Court Martial can take, is his own conscience. Let him say to himself, "I have found this prisoner Not Guilty, and ought I therefore to award him a punishment, or shall I by so doing act in conformity with the solemn oath I have just taken, I may, it is true, be able to mitigate his punishment, if I join in awarding it; but will that be a just means of attaining my object? It is better, say our Law Sages, that nine guilty people should escape than that one innocent person should suffer; and yet shall I punish a man whom I know and have solemnly pronounced to be innocent, by adjudging him even one lash or one hour's confinement? Will the strict practice which my oath enjoins, sanction such a procedure, or shall I even in any point of view be beneficially merciful by screening this man from punishment? I, it is true, have found him innocent and I firmly believe him to be so; but where so many more of my brother members have found him guilty, none of whom are more biased, or less penetrating than myself, ought I not to presume that I have erred rather than they, and the prisoner really is guilty, though I have not found him so?"

This, or some similar view of the case would in General, I think, lead an Officer to act in such a manner as would not cause him any future regret at having done what neither his conscience nor his oath could sanction; and I farther think that it would prevent him from awarding punishment, where he acquitted of crime.

There are many points of Military Law which are not provided for by any enactment or other regulation; but which do frequently occur at Courts Martial, and give rise to great perplexity. One of these is whether a Member, who is prevented by sickness (subsequent to the commencement of the trial) or any other cause, from attending in his place, can resume his seat

† Vol. I, p. 170.

on the removal of such cause, and after an interval of one or more days, provided the proceedings which were carried on during his absence are read over to him. I have a decided opinion of my own on the subject, but as I have heard doubts expressed, I beg leave to submit the point to your experienced Military readers.

I sincerely trust that these discussions may be carried on with temperance and perseverance; and that they will attract the attention of Government; for there are very many things of an apparently trivial nature, which, for want of legal decision, serve not only to embarrass us, but have a positive tendency to lead us into unjust determinations; besides throwing upon us a great deal of responsibility, which is the more to be lamented, as we are liable in many instances, to be prosecuted in the Civil Courts, for giving improper judgments.

Calcutta, Sept. 18, 1819.

AN OFFICER.

Right of Challenge.

To the Editor of the Calcutta Journal.

SIR,

A Question has been lately proposed through your Journal, respecting the "Right of Challenge at Inferior Courts Martial." It is asked, Whether the spirit of Martial Law allows that privilege at all Courts Martial?

Custom—the custom of the Army—the same authority by which half the Law of England subsists, has determined that prisoners are not permitted to Challenge the members of inferior Courts Martial. That is the Law.

But the ENQUIRER insinuates, and the OFFICER plainly affirms, that the custom being contrary to what he considers to be the spirit of Martial and Civil Law, is without authority; and that to refuse the privilege of Challenge is illegal.

Upon this statement of the case, the question might be allowed to rest, until it be shown that when there is supposed to be any discrepancy between the body and the spirit of the Law, the voice of the visible body must be rejected in favour of the oracular response of the invisible spirit. The question being, "what is the Law?" it is by no means necessary to show philosophical grounds for it; these could only be demanded in an inquiry respecting what ought to be Law. A Judge would have a curious part to play, if the parties concerned,—the counsel, the jury, and the prisoner,—would acknowledge nothing to be Law except what he could persuade them to receive for its very reasonableness. He would need to be one who was

"Learned in all that sceptics care for,
"For every why he had a wherefore;"

And after what to most people would appear a satisfactory and irrefragable exposition, he might be answered succinctly and peremptorily: "My Lord, you have not shown me ANY GROUNDS at ALL for it, except that it is the usual custom!"

The OFFICER says, that he has reason to believe this subject has lately been submitted to the decision of the Commander in Chief. The decision of His Excellency on that occasion was distinctly and strongly against the privilege of Challenge at all Courts Martial, except General ones. I mention this for the especial information of those who are not disposed to acquiesce in the usage of upwards of a century.

"What reason, says one of these Writers, can be adduced for allowing of Challenges before a General Court Martial, which will not apply with equal force on the side of a Lane, or other Inferior one?"

I will tell the OFFICER one reason of "vital importance." Before a General Court Martial a man may be tried for a capital crime; before any other he cannot. Does the Civil Law employ the same solemnity, and guard a prisoner with the same anxious precautions, when his life is not in jeopardy as when it is? No—Hundreds are punished every day by summary convictions, before Justices of the Peace, and before Commissioners of Excise, without jury, and consequently without the power of Challenging. The Civil Law, therefore, gives as little countenance to the "decided opinion" of our OFFICER, as the Military Law.

Another difference is, that prisoners before Inferior Courts Martial, (when the parties are Europeans,) are tried by men of a superior rank in life, little likely to be affected by the causes of personal dislike and hostility. A third difference is, that the sentence must be confirmed by one on the spot, who has the means of intimate acquaintance with all the circumstances of the case. Finally, if the prisoner thinks there has been any irregularity or injustice in the proceeding, he may appeal to a General Court Martial, at the risk of being more severely punished, if his appeal should be judged groundless and vexatious.

The OFFICER supposes that a man tried by a Court, consisting of a President and four members, might be "condemned and flogged" by the decision of three members, two of whom were these prejudiced ones; and asks, "Would the prisoner in that case, be justly or unjustly dealt with?"

Now this is not a "strong case," or an extreme case, but an impossible case. A prisoner might indeed be "condemned," but he could not be

"flogged," out of hand "by the decision of three members." The Commanding Officer must first confirm the sentence, and order the infliction of the punishment, after a careful examination of the proceedings; and his determination must be formed under a knowledge that the whole matter will be reviewed by the General Officer commanding the Division, and, if the latter should think fit, by the Commander in Chief.

In exchange for the above case, which could not happen, I will imagine one which might occur, if challenges were permitted. In a detachment there might only be four Officers including the Commanding Officer, and the prisoner might challenge the whole Court; thereby postponing his trial perhaps for some weeks or months. In a Civil Court when the first juror called is challenged; the Court nominate two indifferent men as *triers* of the assigned cause of challenge; but in the case supposed, not one indifferent person could be found.

It only remains to notice the OFFICER's reveries on the origin of the practice of not admitting Challenges at inferior Courts Martial. "The only way in which I can account for its adoption, is this; that when inferior Courts Martial were not regularly constituted, by having their members and witnesses sworn, they might have been considered more in the light of Courts of Enquiry, before which no Challenges are allowed."

In the first place, before the change introduced into the King's Army in 1806, Regimental Courts Martial were as regularly constituted as they are now. Unsworn Courts, bearing unsworn witnesses, were then acting as legally, and therefore regularly, as Courts which now observe the prescribed formality. But secondly, before that change, Regimental Courts had exactly the same jurisdiction that they have now; they could even award more severe punishments than they can now; how then could they "have been considered more in the light of Courts of Enquiry," which have no jurisdiction whatever? Regimental Courts ALWAYS differ from Courts of Enquiry more than Petty Juries differ from Grand Juries.

Thirdly, says the OFFICER, "if that conjecture be well founded, what it relates to, cannot now be brought in support of the denial of a prisoner's most important privilege; when Regimental Courts Martial are as regularly constituted, as any other Courts in the kingdom."

But it is evident that the conjecture has no foundation; the jurisdiction of inferior Courts Martial received no extension when the sanction of an oath was required from the members and witnesses; and if it was formerly deemed inexpedient to admit the privilege of challenges, *a fortiori*, it may be disallowed when the evidence is given on oath, and the members are sworn to administer justice "without partiality, favour, or affection."

Calcutta, Sept. 20, 1819.

HIRTUIS.

Transportation of Soldiers.

To the Editor of the Calcutta Journal.

SIR,

Having considered the Query, proposed by AN ENQUIRER, in your Journal of Saturday last, respecting the Transportation of Soldiers, it strikes me that he has made some mistake in the terms of the Mutiny Act. I know there is one Clause of that Act, which says, "that it shall be lawful for the King, in all cases where a Court Martial may award a capital punishment, instead of causing such sentence to be carried into execution, to order the culprit to be transported as a felon for life, or for a certain number of years as to His Majesty shall seem meet; and if the person so transported shall return without leave, before the expiration of the term, he shall suffer death as a felon, without benefit of clergy."

A Court Martial may sentence a Soldier to serve in a regiment abroad, for life, or a certain number of years; but I do not think that can extend to European Soldiers in the service of the East India Company. Upon this, however, I am by no means prepared to give either a decided or correct opinion; but it appears to me, that your Correspondent alludes to the first quoted clause of the Mutiny Act. I have not this by me, nor can I procure it just now very easily, but if AN ENQUIRER should be in possession of it, he would do well to make a reference on the subject, and find out (before the discussion goes any farther) whether the Act contains any authority for the sentences of transportation as a felon, which he has known to be pronounced by Courts Martial.

These Queries must unquestionably prove of the greatest benefit, if temperately discussed; because even if our Superiors should take no notice of them, their being promulgated will prove a means of letting us know the general practice at Courts Martial, upon the occurrence of difficulties which are not provided for, either by the Legislature, or Writers on Martial Law; and will consequently tend greatly to insure the proper Administration of Justice to the Army.

I am, Sir, your's obediently,

AN OFFICER.

P. S. Although a Private Soldier may be tried by a Field Officer, yet this latter cannot be tried by any Officer below the rank of Captain; *Quere*, How does the 'Trial by Peers' operate in this case?

Organ at St. Andrew's Church.

To the Editor of the Calcutta Journal.

SIR,

It must be highly gratifying to all lovers of sacred harmony, to learn, that the superb Organ in St. Andrew's Church is to be managed by a gentleman of such distinguished skill and talents as Mr. LACY, and no doubt, the highest expectations of the Public will be amply satisfied, when that noble and delightful instrument again breathes forth its soul-subduing sounds, within the walls of that sacred Edifice.

To those who have never heard any other than Organs of the ordinary construction, however grand and imposing they may appear, (perhaps principally from loudness of tone, which with many passes for fineness) the hearing of the Enharmonic Organ would prove a treat, from its superior qualities in justness of intonation, sweetness and fullness, together with its admirable swell, which is not confined to particular stops, but pervades the whole instrument, with an effect only to be understood by auricular demonstration.

The numerous subdivisions of its notes is also wonderful, each octave being made by the help of pedals to produce 50 sounds, by means of what are called shades, placed before the openings of the pipes, and worked by the abovementioned pedals. This certainly renders the execution more difficult and complicated, but the trouble is amply compensated by the effect.

Another advantage is in the manner of working the bellows, which is ordinarily effected by one or more levers moved like the handle of a pump, by which means, the air must occasionally enter the instrument in jerks, and occasion sometimes a false intonation in the same manner as a player would do on the flute by blowing too strongly and not in a steady manner. The new construction is by turning a cylinder, which keeps a regular full current of air, and the tone is consequently more true and pure.

As I am on a Musical subject, permit me to add an observation, which I think might be of some use in our Churches. Attending the Dutch Protestant Church at Negapatam, and found in several of their prayer books, the music of the Psalms printed at the head of each in very small but clear characters, which I think must greatly assist those who wish to join in the singing part of divine worship: and who if able to read Music, can immediately sing the tune without being obliged to listen to the Organ for that purpose. To those who cannot, there is no harm done. The tune is engraved, with the words under the proper notes of the first verses only, of each Psalm or Hymn.

I am, Sir, Your obedient Servant,
OBSERVATOR.

Calcutta, Sept. 15, 1819.

Territorial Debts.

An Account of the Amount of the Territorial Debts, Owing by the East India Company, at their several Presidencies in the East Indies, According to the latest Advances; and the Rates of Interest, which such Debts respectively carry.

	BENGAL.	MADRAS.	BOMBAY.	TOTAL.
	£.	£.	£.	£.
Debts at 6 per per Cent. ..	26,268,352	2,358,183	432,188	29,058,723
Do 8 Do.	13,444	17,600	31,044
Do 9 Do.	80,831	80,831
Total Debt bearing Interests	26,281,796	2,375,783	513,019	29,170,598
Debts not bearing Interests	3,938,125	831,344	254,070	5,013,539
Total Debts in India £.	30,219,921	3,197,127	767,089	34,184,137

At Bengal, Current Rupees a' 2/
" Madras, Pagodas a' 8/
" Bombay, Rupees a' 2/3.
(Errors Excepted).

WM. WRIGHT,
Auditor of India Accounts.

East India House, February 26, 1819.

Military.

GENERAL ORDERS.

Head-Quarters, Calcutta; September 13, 1819.

The Most Noble the Commander in Chief in India, with the concurrence of the Supreme Government, is pleased to permit such unlimited service Men of His Majesty's 22nd Dragoons, as have passed the age of Thirty-three, yet who may have strength for service during a further adequate term, to engage in the Honor-

able Company's Madras Artillery, or European Regiment, for such period and at such rate of Bounty, as it may please the Right Honorable the Governor in Council of Fort St. George to fix.

For this purpose, eight days will be allowed after the publication of this order to H. M. 22nd Dragoons to make choice of the two Corps above stated; after which the Returns must be finally closed, and no further Volunteering can be permitted.

His Excellency Lieutenant-General Sir Thomas Hislop will be pleased to take the necessary steps for carrying the foregoing arrangement into effect, and will issue such subsidiary orders as he may deem necessary upon the occasion.

By Order of the Most Noble the Commander in Chief,

THOMAS. M'MAHON, Col. A. G.

Head-Quarters, Calcutta; September 13, 1819.

The Invalids and Service expired men of H. M. 17th and 59th Regiments, are to be held in readiness to embark for England on the Ships which will be appropriated for the conveyance of H. M. 21st Dragoons.

Major General Wood will be pleased to order the respective Commanding Officers to prepare the requisite Documents.

The Men belonging to the 59th Regiment are to be removed by water to the Presidency, with all practicable expedition, for which purpose the Major General will take the usual steps on such occasions, and upon their arrival he will cause the final Medical examinations to be made, as the men will be called upon very shortly to embark.

By Order of the Most Noble the Commander in Chief,

THOS. M'MAHON, Col. A. G.

Head-quarters, Calcutta; September 14, 1819.

The Most Noble the Commander in Chief in India, is pleased to make the following Appointment, until the pleasure of His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, shall be made known.

24th Foot:—Volunteer George Frankland, to be Ensign without purchase, 1st September 1819.

By Order of the Most Noble the Commander in Chief.

THOS. M'MAHON, Col. A. G.

Head-quarters, Calcutta; September 14, 1819.

(Ghazeepeer, Cawnpore, Meerut.)

All Officers arrived from England, on board the Honorable Company's Ships, Princess Charlotte of Wales, and Marquis of Wellington, whose names were not specified in the General Orders of the 13th Instant, (No. 1794) will proceed at their earliest convenience to the Stations specified above, for the purpose of joining their Corps, which they are expected to do within the prescribed period since their landing at Fort William, unless prevented by urgent business, or indisposition, which must be reported to the Adjutant General of His Majesty's Forces.

The periods prescribed are as follows from the Presidency, viz.

To Ghazeepeer, two Months and a half; Cawnpore, three and a half; Meerut, five.

By Order of the Most Noble the Commander in Chief,

THOS. M'MAHON, Col. A. G.

Head Quarters, Calcutta; September 1, 1819.

Assistant Surgeon Badenach of His Majesty's 59th Regiment, has leave to proceed to Europe for the recovery of his health, and to be absent on that account for two years from the date of his embarkation.

Assistant Surgeon Thomson, upon his return to Bengal from Ceylon, will as usual Medical Charge of the 59th Regiment, and act as Surgeon to the same until further orders, or until a senior Medical Officer properly belonging to the Corps shall have joined.

By Order of the Most Noble the Commander in Chief,

THOS. M'MAHON, Col. A. G.

Head-Quarters, Calcutta; September 2, 1819.

Under the rule laid down in the General Order issued from this Department, dated Calcutta the 5th November, 1816, the Most Noble the Commander in Chief in India is pleased to promote the undermentioned Subaltern of 15 years standing and upwards, and who had not attained the rank of Captain on the 1st of January 1819, to the Erevet of that rank in the East Indies, only from that date, viz.

Lieutenant H. L. Franklin, 14th Foot.

By Order of the Most Noble the Commander in Chief.

THOS. M'MAHON, Col. A. G.

Head-Quarters, Calcutta; 9th September, 1819.

His Royal Highness the Prince Regent has been pleased in the name, and on the behalf of his Majesty, to make the following promotions and appointments.

22d Light Dragoons.

Captain John Floyd Paterson to be Major by purchase, vice Broome who retires, 18th May, 1819.

To be Lieutenants without purchase, Cornet R. G. Davidson, vice J. H. Bromwick, deceased, 20th January, 1816.

* Cancels Cornet Rolland's promotion, vice Sir J. Gordon, appointed to the 53d.—Cornet John Rolland, vice Tristram, appointed to the 13th Light Dragoons, 1st September, 1817.

To be Cornet without purchase, R. G. Davidson, Gentleman, vice J. Rolland, 25th December, 1813.

24th Light Dragoons.

Lieutenant T. Macan to be Captain of a Troop without purchase, vice Kearney, deceased, 27th April, 1818.

Cornet H. Shepherd to be Lieutenant without purchase, vice Macan, promoted, ditto.

25th Light Dragoons.

James Ralston, Gentleman, to be Cornet without purchase, vice D. McDougall, promoted, 14th August, 1817.

By Order of the Most Noble the Commander in Chief,

THOS. M'MAHON, Col. A. G.

Head-quarters, Calcutta, September 13, 1819.

Lieut. Brannan, 14th Foot, Lieut. O'Brien, 87th Foot, Lieut. Watson, 24th Foot, Ensign Murray, 59th Foot.—In reference to the General Orders issued from this Department dated the 6th instant, (No. 1789,) the Most Noble the Commander in Chief is pleased to appoint the Officers named above, to proceed by water, on duty, with the Detachments of His Majesty's Regiments destined for the Upper Provinces, under command of the senior Officer Lieut. Brannan of the 14th Foot.

Cornet Robinson, 8th Dragoons, Lieut. Kent, 14th Foot, Lieut. Mansell, 14th Foot, Lieut. McKenzie, 14th Foot, Lieut. Fowler, 14th Foot, Ensign Bowlby, 14th Foot, Ensign Murray, 24th Foot, Ensign Hartley, 24th Foot, Ensign Cates, 87th Foot.—The other Subalterns (as above) who have recently landed from the Honorable Company's Ships Princess Charlotte of Wales, and Marquis of Wellington, being their first arrival in Bengal, and consequently entitled to the indulgence of Boat Allowance under the Regulations of Government of the 19th of September, 1818, will accompany the abovementioned detail for the purpose of joining their respective Corps.

Assistant Surgeon Finlayson, 8th Dragoons, will relieve Surgeon Featherston of the 24th Foot at Ghazepore, whence the Assistant Surgeon will proceed in Medical Charge of the Troops to Meerut, instead of to Cawnpore, as stated in the concluding Paragraph of the General Orders of the 6th instant.

Lieutenant Brannan will be held responsible for the regularity of the Soldiers at the respective Stations and Bazaars, nor are they to be allowed to move out of sight of their Boats except when they are sent under charge of a Commissioned Officer; and care must be taken not to allow the men to wander into the villages contiguous to where they stop occasionally.

If supplies are required from Bazaars, regular parties must be formed, under suitable superintendence.

Lieutenant Brannan, from the period of his departure from Calcutta, until his arrival at Meerut, will transmit a weekly state to the Adjutant General of His Majesty's Forces, to whom he will report any material occurrence during his progress, for His Excellency the Commander in Chief's information.

By Order of the Most Noble the Commander in Chief,

THOS. M'MAHON, Col. A. G.

MADRAS.

General Orders by the Commander in Chief, August 25, 1819.

The Commander in Chief has much gratification in publishing a Letter from Major General Sir Henry Torrens, K. C. B. Military Secretary to His Royal Highness The Duke of York, and His Excellency has consequently directed a Letter to be addressed to every Officer who served under his personal Command on the 21st December 1817, and whose Name was submitted to His Royal Highness, to receive the honorary distinction of a Medal.

Copy of a Letter from Major General Sir Henry Torrens, K. C. B. Military Secretary, addressed to His Excellency Lieutenant General Sir Thomas Hislop, Bart and G. C. B. &c. &c. dated Horse Guards, 15th October 1818.

I have the Commander in Chief's Commands to acknowledge the receipt of your dispatch of the 7th January last, addressed to the Adjutant General, transmitting a Return of Officers personally and particularly engaged in the Battle of Mahidpoor, whom, under an idea of the continued existence of a system of granting Medals of distinction, you consider worthy of bearing badges commemorating that glorious event.

I have His Royal Highness's Commands to assure you, that he appreciate in the highest degree the bravery and discipline which so signally distinguished Sir John Malcolm, and all the Officers under your Command in the Battle of Mahidpoor, as well as the valour, ability, and promptitude, with which you directed their zeal, in leading the Troops, to the accomplishment of a splendid achievement, which has mainly served to the overthrow of a confederacy that aimed at the subversion of the British Power in India; but it is incumbent upon His Royal Highness to acquaint you, that when the Military Order of the Bath was extended, His Majesty's Government thought proper to decide, for reasons which it is unnecessary here to detail, that the system of granting Medals of distinction should be abolished, and under these circumstances His Royal Highness is reluctantly compelled to explain the impossibility of his giving effect to the wishes you have expressed in regard to the Officers whose names you have transmitted.

You will find, however, that the Order of the Bath, far as it statutes and regulations could permit His Royal Highness and the President of the Board of Control to recommend the grant of it, has been conferred on the Officers of the King's and the Honorable Company's Service, who have been principally distinguished under your Command, and should the circumstance of your having recommended the grant of Medals of distinction, have been made known to the Army. His Royal Highness trusts you will give such explanation to the Officers, who were under your Command at Mahidpoor, as may convince them that this kind of distinction is withheld in compliance with General Regulations, and not from any failure in the due appreciation of their distinguished conduct.

I have the honor to be, Sir, Your most obedient, humble Servant,

(Signed) H. TORRENS.

(Signed) B. R. HITCHINS, Asst. Adj. Genl's Dept.

CEYLON.

GENERAL ORDERS.

Head-quarters, Colombo, August 17, 1819.

On occasion of the departure from Ceylon of the last Division of the 59th Regiment under the command of Major Fuller. The Commander of the Force has sincere gratification in expressing his entire approbation of the good conduct on all occasions of this fine Corps during its service in Ceylon.

Having arrived at a period when active operations to suppress a daring Rebellion had nearly ceased, the display of gallantry for which this Regiment has always been so justly distinguished was not called into action, but the regularity, good order, and discipline, which have marked the character of its services in this Island, are a sure earnest of what might have been expected from such Troops, as these qualifications never fail to lead to honour and distinction in the Field.

Impressed with these sentiments, the Lieutenant General will always reflect with satisfaction in having had the 59th under his command, and continue to feel the highest interest in its welfare and reputation.

(Signed) G. W. WALKER, Dep. Adj. Genl.

Passengers.

Passengers arrived at Calcutta on the Hoogley.

Dr. A. Russell; Mr. J. Prinsep, Deputy Assay Master; Mr. Todd, Assistant Surgeon; Messrs. T. Prinsep, Doveton, Horsford, Grant, Cadets; 5 Servants, 43 Company's Recruits, 3 Women, and 2 Children.

PRICE OF BULLION.

Spanish Dollars, ..	Sicca Rupees 206 a 206-4 ..	per 100
Zeebins, ..	ditto ..	ditto
Venetians, ..	ditto ..	ditto
German Crowns, ..	ditto ..	ditto
Star Pagodas, ..	ditto ..	ditto

Erratum.

A note, which was affixed to the foot of the second column of the first page of Sunday's Journal, was inadvertently omitted. From a cause not worth explaining, tho' it was of importance that it should have appeared in its proper place. An irremediable accident having prevented this, it must be added here. The note was as follows:—

"We appreciate fully the motive of our kind Correspondent in sending to us this supposed unpublished Letter of Dr. Franklin, which will be found as the first in a Quarto Volume, entitled 'The Private Correspondence of Benjamin Franklin: &c. &c. published from the originals, by his grandson, William Temple Franklin, in 1817.—Letters like this can, however, never be out of place; and it is so peculiarly well suited to our publication of to-day (Sunday) that we give it the column that our Friend solicits for it, with great readiness and pleasure."

Another error, of scarcely less importance, to us at least, was the issuing the Engraving of the Island of ENGANO, without a corresponding account of this Island, and the reasons for introducing it to public notice, accompanying it. The fact was—that our issuing the Index of the First Volume, (which would not admit of the Plate being included within the weight of single Postage) induced the intention of deferring the issue for one week, as Two PLATES had gone forth on one occasion within the Month; but as the Native Holidays were approaching, we wished to have our Engraver's labours in a state of forwardness rather than arrears, and the Engraving of Engano was brought home—in anticipation, being intended to accompany a Paper not yet written, on the equal importance of that Island to the command of the passage of the Straits of Sunda; with Singapore in the other channel; from materials furnished us by a Gentleman intimately acquainted with the subject.

We shall not recal the Engraving, of course, but we request our readers will have the kindness to preserve it, and we pledge ourselves to get the Paper in question ready with all possible dispatch.

Domestic Occurrences.

MARRIAGES.

At Dacca, on the 6th instant, by the Reverend Mr. Taylor, Lieutenant Cosmo MacDonald, of the 1st Battalion 16th Regiment N. I. to Miss Lucy Gibbs.

At Dacca, on the 14th instant, Captain Edward Fitzgerald, 2d Battalion 30th Regiment N. I. to Miss Harriott Blenkinsop, fifth Daughter of the Reverend Henry Blenkinsop, of Fulmer, Bucks.

At Chowringhee, on the 17th instant, by the Reverend J. Anderson, David Dale, Esq. of the Bengal Civil Service, to Ann Eliza, Daughter of the Reverend G. Douglas.

BIRTHS.

At the Presidency, on the morning of the 18th instant, the Lady of Captain B. Roberts, Sub-Assistant Commissary General, of a Daughter.

At Sylhet, on the 7th instant, the Lady of Captain Hugh Davidson, of the 15th Native Infantry, of a Daughter.

At Jessore, on the 10th instant, the Lady of W. Wotton, Esq. of a Son.

On the 19th instant, in Chowringhee, the Lady of J. L. Healy, Esq. of a Son.

At Purneah, on the 9th instant, the Lady of Captain J. L. Gale, Commanding the Provincial Battalion, of a Daughter.

At Cawnpore, on the 25th ultimo, the Lady of A. Orr, Esq. of a Son.

At Purneah, on the 26th ultimo, the Lady of William Lambert, Esq. Civil Service, of a Son.

DEATHS.

It is with the deepest regret that we announce to the public the death of Arthur Jacob Macan, Esq. of the house of Messrs Alexander and Co. of this city. He expired at 6 o'clock, on the morning of Sunday the 19th instant, at the age of 45 years, after a severe illness, which he bore with patience and resignation.

Possessing a sound judgment, an active and intelligent mind, and a frank, warm, and affectionate heart, Mr. Macan's life was most honorably and usefully passed in the strict and zealous discharge of his duties as a Man and a Christian. His principles led him habitually to abstain from all expensive personal gratifications, except those which flowed from the judicious exercise of extensive charity and Christian benevolence. His time and labour, as well as his fortune, were cheerfully but unostentatiously devoted to the relief of distress, to the promotion of the interests of deserving individuals, and of institutions of public utility.

His loss will be long and deeply felt, not only by his immediate connections and friends, by whom he was warmly beloved, but by the numerous individuals who have experienced his benevolence, and by the community at large of this city.

At Sangur, on the 3d instant, in the 27th year of his age, Lieutenant Edward Strettell, D. A. Q. M. G. In the death of this gallant young Officer the service has met with a severe loss, and society one of its greatest ornaments. For zeal and bravery in the discharge of his military duties, the name of Lieut. Strettell has been often eminently borne on public record—whilst for talent and affability of manners, and high sense of honorable and virtuous principles, he was selected as a sincere friend and valuable companion. Some unforeseen misfortunes bore heavily upon the mind of this excellent young Officer, and being connected with an attack of fever, after painful suffering of a few days' illness he was carried to the grave by friends who will never cease to regret the many good qualities which distinguished him in every public and private department of his life.

Madras.—On Tuesday, the 31st of August, we were called to the melancholy duty of attending the last obsequies of The Reverend J. Mousley, D. D. Archdeacon of Madras, who had expired that morning, after a short illness, in the 48th year of his age. The Funeral Procession, in which were two of the Carriages of the Right Honourable the Governor, and those of the Judges of the Supreme Court, arrived at the Southern Entrance of St. George's Church Ground at about 4 before 6, where it was met by His Excellency the Commander in Chief and his personal and general Staff, and a great number of the principal Civil and Military Gentlemen of the Settlement. The Coffin was there taken from the Hearse and borne up the walk, the Honorable the Chief Justice following as Chief Mourner. The Service was performed by the Reverend the Senior and Junior Chaplains. We never witnessed a fuller attendance on such an occasion, nor more unequivocal testimony of the esteem in which the deceased was held by the community of which he was a Member.

Having thus detailed the particulars of the Funeral of this excellent Man, which was conducted with a simplicity suited to his own unostentatious character, we cannot conclude the article, without paying a short tribute of respect, to his Memory, endeared as it is to all who knew him, by whatever is good and desirable in our nature.

As a Member of the Church of England, the Archdeacon, was firmly attached to its tenets, but he tempered his opinions on this, as on all other subjects, with the meekness of Christian Charity.—His Profession of Religion, was in a word that, which is best calculated "To turn many to Righteousness."

As a Scholar he was "a ripe and a good one," and, to the last moment of his life employed his leisure in literary acquirements, directing his attention particularly to those branches of learning, which would best serve the cause and illustrate the Religion of his Heavenly Master.

With regard to his character as a Member of Society, the universal sorrow, that shed a gloom over the Presidency, when his death was announced, proclaimed his private virtues, more powerfully than any language, the warmest Friend could use; as for Enemies, gentleness was in him a quality that so mixed itself up, in every action of his life, he could have none. He died in the prime of life—happy himself and conferring happiness on all around him, and at a time when to all appearances he had before him a length of days; thus exhibiting another (alas! not wanted) instance of the "Spes Caduca Vitæ." The loss of such a Man in any Society would be deeply felt, but particularly in one so confined as this.—May we only hope that the recollection of the liberality and benevolence of his heart, may operate as an example, tho' he is no more, and then indeed he may be well said not to have lived in vain.

"Thou kindest gentlest Spirit, fare thee well."

[Madras Gov. Gaz.]

EUROPE DEATH.

On the 27th April, at her house in St. James's Square, Bath, at the advanced age of 73, the Dowager Lady O'Brien, relict of the late Sir Lucius O'Brien, of Ireland.

Her Ladyship's death was brought on by a severe shock which she had received only a fortnight before, by the death of one of her amiable daughters, Mrs. Fitzgerald. Never was pious resignation more conspicuous than in the latter moments of Lady O'Brien, taking an affectionate leave of many members of her large family.

Her remains were attended to the grave by her sons, Sir Edward, Captain Robert of the Navy, and Captain Henry of the Madras Service, and deposited in the same vault in which her daughter had been lodged but a few days before.

It may be some consolation to Her Ladyship's numerous Family to know, that never was greater depth and sincerity of regret evinced, than in the minds of a most extensive circle of intimates and friends, who were fully acquainted with the female excellence and worth of which they have been deprived. Her virtues will be held up as an example to many, whose anxious wish will be to close their mortal career as she had done.

In turning back to an Obituary page, where we recollect to have seen the death of Sir Lucius O'Brien noticed, it may not be considered useless to add the expression of public opinion on that event, when recording the death of his amiable consort.

"Never were more unequivocal testimonies of real concern given in this country, than on the recent loss of Sir Lucius O'Brien. On his sudden demise, a general anguish seized on every heart; nor, is it unworthy of any native in the kingdom, to contemplate a character, which does honour to human nature, as well as to this country."

"Every person not ignorant of the annals of Ireland, was acquainted with the high descent of Sir Lucius O'Brien, Clerk of the Crown and Hanaper, and one of his Majesty's most honourable Privy Counsellors. Sir Lucius breathed the spirit of an Irishman—dear was his country to him, as his own soul: like his great ancestor he considered it as one patrimony, and took interest for every individual of it; from youth to age, he sought its grievances—he hastened to represent them, he joyed to redress them. His aim through life, in the senate, was, to encourage its industry, promote the extension of its commerce, and unite the hearts of its inhabitants, as, on these three pillars, he maintained, did its strength and its prosperity depend."

"Though Sir Lucius, with modesty like his merit, ever shunned the glare of public life, to court the milder shade, yet was he known, from youth to age, the votary of wisdom—the patron of science—the lover of the arts. But who, that has not followed him to the private walk of life, who that has not seen his cheerful temper, diffusing there the spirit of life and joy around; that temper, which beamed from his eye, where sat with philosophic contemplation, benevolence supreme. Who, that has seen the influence of these, can delineate the features of his domestic character? There, shone forth his fidelity to Heaven, his philanthropy to man—there, might we consider the clearness of his understanding, the extent of his information, the powers of his memory, the coolness of his head, the warmth of his heart, his conjugal attachment, his paternal tenderness, the reception of his friends, his indulgence to domestics, the care of his tenantry, his compassion to the poor, his contempt for ostentation, his research after merit, the simplicity, the moderation, that distinguished himself; and lastly, there in the evening of his days, might we behold sickness, with unusual effect, softening the tints of these virtues, causing him in whom they were combined to glow, now, more bright in setting, than in the full hour of meridian lustre."

"Sir Lucius left this world without a pang—without a sigh, on Jan. 15th, 1795; his death was, like his life, calm, undismayed. "Let guilt or fear disturb man's rest, Cato knows neither of them, indifferent in his choice—to sleep, or die."

"His house—Dromoland, the seat of every active—every gentle duty, devolved, with his estate, to his eldest son, Sir Edward O'Brien, just of age. He takes his seat in Parliament for the borough of Ennis. His morning rises fair, and promises a cloudless day.—In the departure of his amiable and afflicted mother from the county of Clare, it feels the stroke renewed; she goes, we doubt not, to guide his twelve children the sure path their father trod, and point to them that seat, where they reunite—to part no more."

There is one reflection springing from this, of which we cannot forego the mention. How valuable to the friends of Ireland would it have been to have had the aid of such a patriot, in the late discussions on that grand national question of Catholic Emancipation. Had Grattan been supported by the age and experience of that patriotic luminary the late Earl of Charlemont, (a Memoir of whose life is so well compiled by Hamilton,) and his bosom friend and relative Sir Lucius O'Brien, we should have seen probably that all the weight and influence of an Administration like the present could not have thrown out the Question, even in the way it has been; requiring now but sufficient temper, under momentary disappointment to ensure its ultimate success.

Shipping Intelligence.

CALCUTTA ARRIVALS.

Date	Names of Vessels	Flags	Commanders	From Whence	Left
Sept. 20	Le Surimp	French	J. J. Pohee	Bourbon	Sept. 13

CALCUTTA DEPARTURES.

(None)

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